

105TH CONGRESS  
2D SESSION

# H. R. 3690

To establish provisions regarding a proposed rulemaking under the Clean Air Act with respect to the transport, in the eastern portion of the United States, of ozone pollution and oxides of nitrogen.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. WISE (for himself, Mr. NEY, Mr. OXLEY, Mr. RAHALL, Mr. MOLLOHAN, Mr. GOODE, Mr. STRICKLAND, Mr. BAESLER, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To establish provisions regarding a proposed rulemaking under the Clean Air Act with respect to the transport, in the eastern portion of the United States, of ozone pollution and oxides of nitrogen.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Clean Air Common  
5       Sense Act”.

1 **SEC. 2. PROVISIONS REGARDING PROPOSED RULE UNDER**  
2 **CLEAR AIR ACT WITH RESPECT TO TRANS-**  
3 **PORT OF OZONE POLLUTION AND OXIDES OF**  
4 **NITROGEN.**

5 (a) DELAY IN PROMULGATION OF FINAL RULE; EF-  
6 FECTIVE DATE OF FINAL RULE.—With respect to au-  
7 thorities of the Administrator of the Environmental Pro-  
8 tection Agency to establish a requirement that States sub-  
9 mit measures in State implementation plans under the  
10 Clean Air Act to ensure that emission reductions are  
11 achieved as needed to mitigate transport of ozone pollu-  
12 tion, and emissions of oxides of nitrogen, across the  
13 boundaries of States included in the Ozone Transport As-  
14 sessment Group Region (relating to the eastern portion  
15 of the United States), the following applies notwithstand-  
16 ing any other provision of law:

17 (1) The Administrator may not promulgate a  
18 final rule to establish such a requirement before the  
19 date specified in paragraph (4), and any such final  
20 rule may not become effective before the date speci-  
21 fied in paragraph (5).

22 (2) During the one-year period beginning on  
23 the date of the enactment of this Act, the Adminis-  
24 trator shall collect any data that in such period the  
25 States in such region develop through air quality  
26 monitoring and modeling conducted with respect to

1 oxides of nitrogen and any other pollutant to be reg-  
2 ulated for purposes of the rulemaking proposed on  
3 November 7, 1997, regarding such a requirement  
4 (62 FR 60318).

5 (3) After the expiration of such period, the Ad-  
6 ministrator shall make the data collected under  
7 paragraph (2) available to the public and shall pub-  
8 lish in the Federal Register a notice that the data  
9 are available, or as applicable, shall so publish a no-  
10 tice that none of the States developed such data.

11 (4) The date described in this paragraph re-  
12 garding the promulgation of the final rule referred  
13 to in paragraph (1) is the expiration of the one-year  
14 period beginning on the date on which the Adminis-  
15 trator publishes the notice under paragraph (3).

16 (5) The date described in this paragraph re-  
17 garding the effective date of such final rule is the  
18 later of May 1, 2005, or the expiration of the five-  
19 year period beginning on the date on which such  
20 final rule is promulgated.

21 (b) PETITIONS REGARDING INTERSTATE POLLUTION

22 ABATEMENT.—

23 (1) IN GENERAL.—With respect to petitions  
24 submitted to the Administrator of the Environ-  
25 mental Protection Agency under section 126(b) of

1 the Clean Air Act, the Administrator may not make  
2 any finding pursuant to a petition described in para-  
3 graph (2), or deny any such petition, before the ex-  
4 piration of the 180-day period beginning on the date  
5 of the promulgation of the final rule referred to in  
6 subsection (a)(1).

7 (2) RELEVANT PETITIONS.—For purposes of  
8 paragraph (1), a petition described in this paragraph  
9 is any petition under section 126(b) of the Clean Air  
10 Act that—

11 (A) is submitted with respect to a State in-  
12 cluded in the region specified in subsection (a);

13 (B) is submitted with respect to oxides of  
14 nitrogen or any other pollutant to be regulated  
15 for purposes of the proposed rulemaking speci-  
16 fied in such subsection; and

17 (C) is pending as of the date of the enact-  
18 ment of this Act or is submitted after such  
19 date.

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